

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

GABRIEL MCDOWELL, #37862

§

PETITIONER

§

v.

§

CAUSE NO. 1:06CV87-LG-JMR

§

**STATE OF MISSISSIPPI, RONALD
KING, and JIM HOOD**

§

§

RESPONDENTS

JUDGMENT

This matter having come on to be heard on the [19] Report and Recommendation of Chief United States Magistrate John M. Roper, the Court, after a full review and consideration of the Report and Recommendation, the pleadings on file, and the relevant legal authority, finds that in accord with the Order entered herewith,

IT IS ORDERED AND ADJUDGED that the Report and Recommendation of Chief Magistrate Judge John M. Roper entered on June 8, 2007, be, and the same is hereby adopted as the finding of this Court. The Petitioner's Petition for Writ of Habeas Corpus is hereby granted, and the case shall be sent back to the state court for re-sentencing with appointed counsel present to assist Petitioner.

SO ORDERED AND ADJUDGED this the 14th day of March, 2008.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE